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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,129	06/30/2000	Evan F. Wies	IMM1P104	2148
25696	7590	08/10/2004	EXAMINER	
OPPENHEIMER WOLFF & DONNELLY			VU, THONG H	
P. O. BOX 10356			ART UNIT	
PALO ALTO, CA 94303			PAPER NUMBER	
			2142	
DATE MAILED: 08/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/608,129	Applicant(s) WIES ET AL.	
	Examiner Thong H Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 46-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/24/04</u> | 6) <input type="checkbox"/> Other: _____ |

1. Claims 46-72 are pending.
2. Copending information in specification page 8 is 09/570,361.

Response to Arguments

3. The Request for Reconsideration has been entered.
4. Applicant's arguments, see pages 2-3, filed 6/21/04, with respect to Mitchell-Hachiya references have been fully considered and are persuasive. The previous Final Action has been withdrawn. The new Final Action based on the new prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 46-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Mitchell et al [6,349,301 B1] in view of Hachiya et al [Hachiya 6,760,751 B1].
6. As per claim 46, Mitchell discloses a including force information (i.e.: haptic feedback or force feedback) in a chat message [Mitchell, network chat room, col 5 line 50-col 6 line 7; haptic feedback or force feedback]

However Mitchell does not detail the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine, and transmitting the chat message to a network.

A skilled artisan would like to improve the chat communication using the haptic sensation would look into the prior art of messaging communication.

It was well-known in the electronic message art that a electronic message delivery mechanism may be configured to update a message display using the message information [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the technique of sending chat message or email message configured to update the display when the message delivered to client as taught by Pollack into the Mitchell's apparatus in order to utilize the haptic feedback data and chat room environment. Doing so would provide the dynamically perform interaction on the chat room.

7. As per claims 18,39 contains the similar limitations set forth of claim 1. Therefore, claims 18,39 are rejected for the similar rationale set forth in claim 1.

8. As per claims 47,63 Mitchell- Pollack disclose code to receive the chat message via a chat interface as inherent feature of chat message.

9. As per claims 48,64 Mitchell- Pollack disclose receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the force information with the selected haptic effect [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24].

10. As per claim 49, Mitchell- Pollack disclose the plurality of haptic effects is graphically represented by a plurality of button or electronic signal/message.

11. As per claims 50,65 Mitchell- Pollack disclose associating the force information with a command input to the chat interface as inherent feature of chat message or email [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24].

12. As per claims 51,66 Mitchell- Pollack disclose the force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message as inherent feature of chat message [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24].

13. As per claim 52, Mitchell- Pollack disclose the force information includes a network address (i.e.: location), the network address being associated with a network location storing a library of haptic sensations as inherent feature of Email parameters.

14. As per claim 53, Mitchell-Hachiya disclose the force information includes data characterizing the haptic sensation to be output [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24].

15. As per claims 54,60,67,72 Mitchell- Pollack disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be output when the chat message is delivered to a client machine as inherent feature of chat message.

16. As per claims 55,61 Mitchell-Hachiya disclose the network includes one of a local area network (LAN), a wide area network (WAN), a wireless network, a computer network, a telephone network, and the Internet [Mitchell, Internet 238, Fig 2].

17. As per claims 57,69 Mitchell- Pollack disclose said directing the first signal to a haptic device, the first signal configured to cause the haptic device to output a haptic sensation associated with the chat message as inherent feature of chat message [Pollack, delivery mechanism may be configured to update a message display using the message information, col 3 lines 2-24].

18. As per claims 58,70 Mitchell- Pollack disclose displaying the chat message [Mitchell, chat session, col 12 lines 50-67].

19. As per claims 59,71 Mitchell- Pollack disclose extracting sound information from the chat message and generating a second signal associated with the sound information as inherent feature of chat message.

20. As per claim 65, Mitchell- Pollack disclose code to associate the force information with a command input to the chat interface as inherent feature of chat message.

21. Claims 46-72 are rejected under 35 U.S.C. § 103 as being unpatentable over Mania et al [A Classification for User Embodiment in Collaborative Virtual Environments] in view of Hachiya et al [Hachiya 6,760,751 B1].

22. As per claim 46, Mania discloses a including force information (i.e.: haptic feedback or force feedback) in a chat message [Mania, Worlds chat, Body chat, haptic feedback, pages 5-6]

However Mania does not detail the force information being configured to cause a haptic sensation to be output when the chat message is delivered to a client machine, and transmitting the chat message to a network.

A skilled artisan would like to improve the haptic sensation over a chat message would look into the prior art of messaging communication.

It was well-known in the electronic message art that an Email having parameters configured to determine a behavior of virtual agent [Hachiya, col 26 lines 12-25].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the technique of sending chat message or email message with force information or agent parameters configured to control output or behavior when the message delivered to client or virtual agent as taught by Hachiya

into the Mania's apparatus in order to utilize the haptic feedback data and chat room environment. Doing so would provide the dynamically perform interaction on the chat room.

23. As per claims 18,39 contains the similar limitations set forth of claim 1. Therefore, claims 18,39 are rejected for the similar rationale set forth in claim 1.

24. As per claims 47,63 Mania-Hachiya disclose code to receive the chat message via a chat interface as inherent feature of chat message.

25. As per claims 48,64 Mania -Hachiya disclose receiving a haptic effect selected from a plurality of haptic effects in the chat interface and associating the force information with the selected haptic effect [Hachiya, an Email having parameters configured to determine a behavior of virtual agent, col 26 lines 12-25].

26. As per claim 49, Mania -Hachiya disclose the plurality of haptic effects is graphically represented by a plurality of button or electronic signal/message.

27. As per claims 50,65 Mania -Hachiya disclose associating the force information with a command input to the chat interface as inherent feature of chat message or email [Hachiya, an Email having parameters configured to determine a behavior of virtual agent, col 26 lines 12-25].

28. As per claims 51,66 Mania -Hachiya disclose the force information includes a force command, the force command configured to instruct the output of the haptic sensation associated with the delivery of the chat message as inherent feature of chat message [Hachiya, an Email having parameters configured to determine a behavior of virtual agent, col 26 lines 12-25].

29. As per claim 52, Mania -Hachiya disclose the force information includes a network address (i.e.: location), the network address being associated with a network location storing a library of haptic sensations as inherent feature of Email parameters.

30. As per claim 53, Mania -Hachiya disclose the force information includes data characterizing the haptic sensation to be output [Hachiya, an Email having parameters configured to determine a behavior of virtual agent, col 26 lines 12-25].

31. As per claims 54,60,67,72 Mania -Hachiya disclose including a sound information in the chat message, the sound information configured to cause an auditory effect to be output when the chat message is delivered to a client machine as inherent feature of chat message.

32. As per claims 55,61 Mitchell-Hachiya disclose the network includes one of a local area network (LAN),a wide area network (WAN), a wireless network, a computer network, a telephone network, and the Internet [Mania, Internet software, page 5].

33. As per claims 57,69 Mania -Hachiya disclose said directing the first signal to a haptic device, the first signal configured to cause the haptic device to output a haptic sensation associated with the chat message as inherent feature of chat message [Hachiya, an Email having parameters configured to determine a behavior of virtual agent, col 26 lines 12-25].

34. As per claims 58,70 Mania -Hachiya disclose displaying the chat message [Mania, Community place: chat window, page 5].

35. As per claims 59,71 Mania -Hachiya disclose extracting sound information from the chat message and generating a second signal associated with the sound information as inherent feature of chat message.

36. As per claim 65, Mania -Hachiya disclose code to associate the force information with a command input to the chat interface as inherent feature of chat message.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2142

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Patent Examiner

Art Unit 2142

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.